

USDOL/OALJ Reporter

[*Millet v. Anco Insulations, Inc.*](#), 88-ERA-35 (Sec'y Sept. 29, 1989)

Go to: [Law Library Directory](#) | [Whistleblower Collection Directory](#) | [Search Form](#) | [Citation Guidelines](#)

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

DATE: September 29, 1989
CASE NO. 88-ERA-35

IN THE MATTER OF

MICHAEL MILLET,
COMPLAINANT,

v.

ANCO INSULATIONS, INC.,
RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

ORDER OF DISMISSAL

This matter arises under the employee protection provision of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1982). Before me for review is the [recommended] Order of Dismissal issued March 21, 1989, by Administrative Law Judge (ALJ) A.A. Simpson, Jr. The record reveals that prior to the completion of the hearing on his complaint, Complainant notified the ALJ that he wished to dismiss with prejudice his action against Anco Insulations, Inc. Respondent had no objection to such a dismissal. Although no document was filed, the parties' statements to the ALJ amount to a stipulation of dismissal as provided for in Fed. R. Civ. P. 41(a)(1)(ii).

Upon review of the record in this case and the [recommended] order of Dismissal, I accept the ALJ's recommendation. Accordingly, the complaint in this case is hereby dismissed with prejudice. Fed. R. Civ. P. 41(a)(1)(ii); 29 C.F.R. § 18.1 (1988).

SO ORDERED.

ELIZABETH DOLE
Secretary of Labor

Washington, D.C.